



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES**

Memphis Environmental Field Office

8383 Wolf Lake Drive

Bartlett, TN 38133

Phone 901-371-3000 Statewide 1-888-891-8332 Fax 901-371-3170

**CERTIFIED MAIL 91 7108 2133 3932 2020 7452
RETURN RECEIPT REQUESTED**

November 17, 2016

Mr. Scott Craft
Area Manager
MMC Materials, Inc.
1955 Nail Road
Horn Lake, MS 38637

Re: Notice of Violation (NOV)
 MMC Materials, Inc. – Frayser Plant (2940 Frayser Boulevard, Memphis, Tennessee)
 National Pollutant Discharge Elimination System (NPDES) Permit Number TNG110370

Dear Mr. Craft:

On September 26, 2016, Mr. Cliff Caudle from the Division of Water Resources (DWR), Memphis Environmental Field Office conducted a Compliance Evaluation Inspection (CEI) of the above-referenced facility located at 2940 Frayser Boulevard in Memphis, Tennessee. The purpose of the CEI was to determine the facility's compliance with coverage under the NPDES permit for Ready Mix Concrete Plants (RMCP). This was accomplished by review of the facility's self-monitoring records and reports, and by conducting an inspection of the site. Mr. Thomas Gross' (on-site representative) assistance was greatly appreciated during the inspection. In addition, the assistance of Mr. Byron Wegmann of MMC in answering questions about the Frayser Plant via email after the inspection and in providing requested facility documentation was also greatly appreciated.

Attached you will find a copy of the NPDES Compliance Evaluation Inspection report and associated photo document which summarize the findings of the inspection. The following issues noted below require attention:

- Based on the site inspection and according to Mr. Gross, storm water falling on the southeastern portion of the batch plant, including the diesel tanks and aggregate stockpiles on the east side, flows southeastward to a drainage ditch, then off-site. There is no designated storm water outfall for this area of the site, and consequently no storm water monitoring from this location has been conducted. Based on site conditions, it appears that a storm water outfall should be designated at this location and monitored accordingly.
- The catchment area near the eastern site boundary receives process water from the watering of aggregate stockpiles along the east side of the batch plant, and potentially from treatment basin discharges. There is no designated process water outfall for this area of the site, and consequently no process water monitoring from this location has been conducted. Based on site conditions, it appears that a process water outfall should be designated at this location and monitored accordingly.

- Copies of inspection records of monthly inspections of designated equipment areas for the reporting period (July 2013 – June 2016) were not available for review at the time of the inspection, and were not provided upon request by the Division. Please note that Section 7.3.4 of the NPDES permit requires inspections to be conducted monthly, at a minimum.
- Copies of site evaluations were not available for review at the time of the inspection, and were not provided upon request by the Division. Please note that Section 7.7 of the NPDES permit requires inspections to be conducted annually, at a minimum.
- At the time of the inspection, there was no sign designating process water discharges for Outfall 001. Section 8.16 of the NPDES permit requires that an appropriate sign designating each process water outfall be placed on the site in an area clearly visible to the public.
- The facility Storm Water Pollution Prevention Plan (SWPPP) provided to the Division was last updated in 2011. The RMCP requires, and the Division recommends, that the SWPPP be evaluated at least annually and updated as needed. Specifically, the SWPPP should be updated to include the additional outfalls mentioned above. In addition, the SWPPP and site map should be updated to include the waste and crushed concrete stockpiles on the northern and northeastern portions of the overall MMC 42.58-acre parcel. Lastly, MMC should notify the Division's Nashville Central Office in writing of the changes to the site and the SWPPP modifications.

Required Actions:

- **On or before December 16, 2016**, update the facility SWPPP to include the additional outfalls and the waste and crushed concrete stockpiles discussed above;
- **On or before December 16, 2016**, please install appropriate sign(s) designating process water discharges for Outfall 001 and any newly designated process water outfalls at the site as required in Section 8.16 of the RMCP;
- **On or before December 16, 2016**, submit a revised Notice of Intent (NOI) to the Division's Nashville Central Office (NCO) documenting changes to site outfalls and the SWPPP, and provide any document revisions and updates as directed by the NCO; and
- **On or before December 16, 2016**, submit a written response addressing the issues mentioned above.

The Division greatly appreciates the facility's efforts in complying with NPDES permit requirements. Compliance with the terms and conditions of the permit helps ensure that the state's waters are being protected from harmful pollutants which could cause or contribute to the stream's impairment. If you have any questions regarding the inspection or the compliance inspection report, please feel free to contact Cliff Caudle at cliff.caudle@tn.gov or (901) 371-3028.

Sincerely,



Joellyn Brazile
Environmental Program Manager
Division of Water Resources
Memphis Environmental Field Office

Enclosures: NPDES Compliance Evaluation Inspection Report, Photo document, and ICIS Report Form

cc: TDEC/DWR/MEFO - file

ec: TDEC/DWR/NCO, Enforcement and Compliance Section